

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JORDAN TYLER BRESLOW,	:	
Plaintiff,	:	No. 21-cv-4915-JMY
	:	
v.	:	
	:	
CARVANA CO.,	:	
Defendant.	:	

**ORDER**

AND NOW, this 8th day of December, 2021, upon consideration of the Motion for Entry of Default Judgment (ECF No. 4) filed by the *pro se* Plaintiff, Jordan Tyler Breslow, it is hereby ORDERED that Plaintiff's Motion is DENIED without prejudice.<sup>1</sup>

IT IS SO ORDERED.

BY THE COURT:

/s/ John Milton Younge  
Judge John Milton Younge

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<sup>1</sup> Plaintiff cannot file a motion for entry of default judgment without filing a request for default judgment. Generally, entry of default is a ministerial task performed by the Clerk of Court upon request. See Fed R. Civ. P. 55(a) (stating that “the clerk must enter default” when a defendant has “failed to plead or otherwise defend, and that failure is “shown by affidavit or otherwise”). Plaintiff’s filing was submitted as a “Motion” rather than as a request for entry of default; therefore, the Clerk of Court cannot enter default in a ministerial capacity. Plaintiff should first file a request for default judgment against the defendant prior to motioning for entry of judgment.